

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
AUG 30 2017
Clerk, U.S. District Court
District of Montana
Missoula

CLIFFORD D. OLD-HORN,

CV 16-99-M-DLC-JCL

Plaintiff,

vs.

DETECTIVE MIKE SARGEANT,
DETECTIVE JAY DOYLE, and
COUNTY ATTORNEY MITCH
YOUNG,

Defendants.

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on July 25, 2017, recommending granting Defendants' motion to dismiss. Plaintiff Clifford D. Old-Horn ("Old-Horn") failed to timely object to the Findings and Recommendations, and so waived its right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Because the

parties are familiar with the facts of this case, they will not be repeated here.

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that Defendants' motion should be granted because it appears that this matter has settled. Because Old-Horn has failed to update his address with the Court or otherwise contest Defendants' motion, the Court will adopt the Findings and Recommendations.

Accordingly, there being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

- (1) Judge Lynch's Findings and Recommendations (Doc. 35) is ADOPTED IN FULL;
- (2) Defendants' Motion to Dismiss (Doc. 33) is GRANTED and this matter DISMISSED WITH PREJUDICE; and
- (3) Defendants' request for costs is DENIED..

Dated this 30th day of August, 2017.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court